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COMMONWEALTH OF PENNSYLVANIA PA PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Richard Morofsky,
v.
West Penn Power Company,
P.U.C.

Docket No.: C-20043598

State Office Building
300 Liberty Avenue
Suite 1100
Pittsburgh, Pennsylvania

Tuesday, January 4, 2005
Commencing at 10:00 a.m.

DOCUMENT

BEFORE:

JOHN CORBETT, Administrative Law Judge

APPEARANCES:

NONE PRESENT
For the Complainant

JOHN MUNSCH, Esquire
800 Cabin Hill Drive
Greensburg, PA 15601-1689
For the Respondent

ORIGINAL

REPORTER: REBECCA R. JOST

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JAN 25 2005

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JUDGE JOHN CORBETT:

We're on the record at this time. This is the time and place scheduled for a telephonic hearing on the Complaint of Richard W. Morofsky versus West Penn Power Company. This Complaint was docketed with the Pennsylvania Public Utility Commission at Number C-20043598. I am Administrative Law Judge John Corbett, and I have been assigned to hear this case and to render an initial decision. We have on the telephone this morning Richard Morofsky, representing himself; John Munsch, representing West Penn Power Company; together with a witness or representative of West Penn by the name of Tammy Taylor.

Before going any further let me just explain, for the benefit of the parties and for the record, that I'm sitting in a hearing room in Pittsburgh with a court reporter. The court reporter is taking down stenographically everything that we say while we are on the record, but she is also running a tape recorder backup. So I alert the parties to the fact that everything that we say while we are on the record is being tape recorded. I would ask the parties to get as close to the speaker on the phone as

1 they can and speak up loudly and clearly, and try to
2 let only one party at a time talk. And that way we'll
3 get a clear record of what transpires here this
4 morning. If on the other hand you don't hear
5 something that is said, then please feel free to
6 interrupt and ask me to have the party repeat whatever
7 was said that you missed.

8 With those preliminary remarks out of the
9 way, then we'll turn to the matter at hand. Mr.
10 Morofsky, I've read your Complaint and the Answer
11 filed by West Penn. It appears that you're asking for
12 some type of a payment plan on your account with West
13 Penn. Usually what I do, before we begin to hear
14 testimony in a case like this, is I ask the parties if
15 they'd like to take a few minutes to discuss this
16 matter between themselves off the record, to see if
17 the two sides could come together to reach some kind
18 of a settlement or a resolution of the matter.

19 Now, prior to today, Mr. Morofsky, have
20 you had a chance to talk to either Mr. Munsch or Ms.
21 Taylor about this matter?

22 MR. MOROFSKY:

23 No, I haven't.

24 JUDGE CORBETT:

25 Okay. Do you think it would be

1 worthwhile to take a few minutes before we go any
2 further this morning to see if the two sides can
3 possibly resolve this matter?

4 MR. MOROFSKY:

5 I think it would be worth a try.

6 JUDGE CORBETT:

7 All right. Then what I'll do is this.
8 In a minute I'll leave the hearing room, and the two
9 sides can discuss this matter between themselves. Try
10 to listen to each other with an open mind and try to
11 see the viewpoint of the other party if at all
12 possible, and try to see if the two sides can come
13 together to reach some kind of resolution.

14 The Commission encourages settlements,
15 particularly in cases like this. I personally believe
16 it is better for the parties to try to resolve a
17 matter like this among themselves, rather than have me
18 hear the case and then later write a decision that may
19 be unsatisfactory to everyone. So I encourage you to
20 try to settle this case if at all possible.

21 The court reporter will remain here in
22 the hearing room to monitor the telephone equipment,
23 but she will not be taking down anything that you say
24 while you're discussing settlement. When you're ready
25 for me to return to the hearing room then just call

1 her attention to the phone, and she'll summon me from
2 another part of the office.

3 MR. MOROFSKY:

4 Okay.

5 JUDGE CORBETT:

6 At this point it is now approximately ---
7 let's call it about six minutes after 10:00, and the
8 hearing is in recess.

9 MR. MOROFSKY:

10 All right.

11 JUDGE CORBETT:

12 Please just give me a minute to leave the
13 hearing room. Thank you.

14 MR. MOROFSKY:

15 Thank you.

16 BRIEF RECESS TAKEN

17 JUDGE CORBETT:

18 At this point it is now approximately ---
19 let's call it ---.

20 MR. MOROFSKY:

21 Yes. Your Honor, I'm going to withdraw
22 my Complaint, ---

23 JUDGE CORBETT:

24 Okay.

25 MR. MOROFSKY:

1 --- and try to make a payment arrangement
2 --- or I have a payment arrangement --- I'm going to
3 be trying to make payments every month.

4 JUDGE CORBETT:

5 Okay. Mr. Munsch, would you care to
6 summarize for us, please, the terms of this
7 settlement?

8 ATTORNEY MUNSCH:

9 Your Honor, I have the terms here and if
10 you don't mind, I'll have Ms. Taylor do it. She's
11 much more expert at this than I am.

12 JUDGE CORBETT:

13 Okay. Very good. Ms. Taylor, would you
14 proceed?

15 MS. TAYLOR:

16 Yes. Your Honor, Mr. Morofsky, right
17 now, has a balance of \$361.19. And he intends to pay
18 his current bills each month, between now and the
19 spring, in the hopes that the energy crisis money will
20 cover the difference, if the timing is right. If the
21 energy crisis money does not pay the difference of his
22 bill, then Mr. Morofsky will be paying the difference
23 on his own in the spring.

24 JUDGE CORBETT:

25 All right. And that arrangement is

1 satisfactory to West Penn?

2 ATTORNEY MUNSCH:

3 Yes, it is, Your Honor.

4 JUDGE CORBETT:

5 Okay. Mr. Morofsky, you've heard the
6 terms of the settlement as proposed by West Penn. Do
7 you have any questions about those terms?

8 MR. MOROFSKY:

9 Everything is fine with me.

10 JUDGE CORBETT:

11 Do you understand the terms of the
12 settlement as proposed?

13 MR. MOROFSKY:

14 Yes, sir.

15 JUDGE CORBETT:

16 And do you agree to be bound by those
17 terms?

18 MR. MOROFSKY:

19 Yes, sir.

20 JUDGE CORBETT:

21 Do you understand that if you fail to
22 abide by the terms of the settlement then West Penn
23 will then have the right and the opportunity to either
24 suspend or terminate your service?

25 MR. MOROFSKY:

1 Yes, sir.

2 JUDGE CORBETT:

3 Okay. Then, Mr. Morofsky, I will grant
4 your request to withdraw your Complaint. Mr. Munsch,
5 would you be kind enough, sir, to prepare a Letter of
6 Satisfaction and send it to me? And what that means,
7 Mr. Morofsky, is that Mr. Munsch will send you a copy
8 of the letter. It's just a statement that you have
9 agreed to withdraw your Complaint and the parties have
10 been able to resolve this matter.

11 I will then in turn, as soon as I receive
12 a copy of that letter, prepare a memo that I will send
13 to our scheduling staff in Harrisburg to have the
14 docket in this case marked as settled and closed.

15 MR. MOROFSKY:

16 Okay.

17 JUDGE CORBETT:

18 Do you have any questions with regard to
19 that procedure?

20 MR. MOROFSKY:

21 No, sir.

22 JUDGE CORBETT:

23 Okay. Mr. Munsch, if you would be good
24 enough to FAX that letter to me, so that I can get
25 that off to Harrisburg as soon as possible, I'd

1 appreciate that. My FAX number is on the notice for
2 today's hearing.

3 ATTORNEY MUNSCH:

4 I have that, Your Honor. I'll FAX that
5 out today, and you'll get the original by Federal
6 Express tomorrow.

7 JUDGE CORBETT:

8 That'll be fine. I appreciate the
9 promptness. Is there anything else, then, that you'd
10 like to place on the record, Mr. Munsch, before we
11 adjourn?

12 ATTORNEY MUNSCH:

13 No, I don't, Your Honor. Thank you for
14 your help in settling this matter.

15 JUDGE CORBETT:

16 Sure. Mr. Morofsky, anything that you'd
17 like to place --- any comments or anything you'd like
18 to say before we adjourn?

19 MR. MOROFSKY:

20 No, sir.

21 JUDGE CORBETT:

22 Okay. Well, Mr. Morofsky, I wish you the
23 very best. I hope things work out for you.

24 MR. MOROFSKY:

25 Thank you.

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JUDGE CORBETT:

And Mr. Munsch, Ms. Taylor, thank you very much for your patience and cooperation this morning. At this point the record is closed and the hearing is now adjourned. Thank you very much, and everyone please have a good day.

MR. MOROFSKY:

Thank you very much.

JUDGE CORBETT:

Bye now.

MR. MOROFSKY:

Bye.

JUDGE CORBETT:

Bye-bye.

ATTORNEY MUNSCH:

Bye.

* * * * *

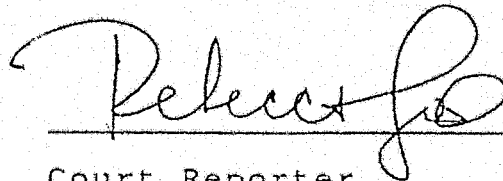
HEARING CONCLUDED AT 11:00 A.M.

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C E R T I F I C A T E

I hereby certify that the
foregoing proceeding 1/4 CORBETT
was reported by me, that I have read this
transcript on 1/17/05, and I attest
that this transcript is a true and
accurate record of the proceeding.



Court Reporter